

REMARKS/ARGUMENTS

Election of Inventions

Election of a single invention for prosecution on the merits was requested. The Examiner has identified the following inventions:

Invention I - Claims 1-7, 12 and 14-18, drawn to a protein comprising, a first functional unit of a first complement regulatory protein, wherein the first functional unit exhibits complement-regulating properties; a first spacer sequence of at least about 200 amino acids encoding a polypeptide that does not exhibit complement regulating properties, attached to the first functional unit; and a second functional unit attached to the spacer sequence, a polypeptide providing a functional unit of a second complement regulatory protein, a protein having at least 95 percent sequence homology to a protein having the sequence of SEQ ID NO: 13, SEQ ID NO: 15, SEQ ID NO: 19, and SEQ ID NO: 23, and a method of regulating complement activity comprising administering an effective amount of said protein.

Invention II - Claims 8-11 and 13, drawn to drawn to a polynucleotide encoding a protein comprising: a first functional unit of a first complement regulatory protein, wherein the first functional unit exhibits complement-regulating properties; a first spacer sequence of at least about 200 amino acids encoding a polypeptide that does not exhibit complement regulating properties, attached to the first functional unit; and a second functional unit attached to the spacer sequence, a polypeptide providing a functional unit of a second complement regulatory protein, polynucleotides encoding a protein having the sequence of SEQ ID NO: 13, SEQ ID NO: 15, SEQ ID NO: 19, and SEQ ID NO: 23, and a vector comprising said polynucleotide.

The Examiner maintains that the inventions listed do not form a single general inventive concept under PCT Rule 13.1. The Applicants hereby elect Invention I, claims

1-7, 12 and 14-18 with traverse, on the basis that Inventions I and II share a common special technical feature. Specifically, the Applicants maintain that the claims of Invention I are drawn to a protein, while the claims of Invention II are drawn to a polynucleotide encoding such a protein. The special technical feature that is common to both alleged Inventions is the claimed protein. Therefore, the alleged inventions form a single general inventive concept under PCT Rule 13.1. Reconsideration and withdrawal of the requirement to elect one invention to be examined is respectfully requested.

AMENDMENTS

Claims 12 and 15 are amended herein. Claim 12 is amended to change “SEQ. ID NO” to “SEQ ID NO” as noted by the Examiner. Claim 15 is amended to properly depend upon claim 14 as also noted by the Examiner.

The outstanding Office Action was mailed on February 3, 2010. The Examiner set a shortened statutory period for reply of 1 month or 30 days from the mailing date. Therefore, no extension of time or accompanying fee is believed to be due in making this response. Nevertheless, the Applicants hereby make a conditional petition for an extension of time for response in the event that such a petition is required. No fees are believed to be due with this response. However, in the event that a fee for the filing of his response is insufficient, the Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,

/John J. Cunniff/

John J. Cunniff
Reg. No 42,451
Hahn Loeser + Parks LLP
One GOJO Plaza
Suite 300
Akron, OH 44311

Attorney for Applicants